



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

*JFey*

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,185	12/31/2003	Sue K. DeNise	MMI1100-2

28213  
 GRAY CARY WARE & FREIDENRICH LLP  
 4365 EXECUTIVE DRIVE  
 SUITE 1100  
 SAN DIEGO, CA 92121-2133



CONFIRMATION NO. 5843

## FORMALITIES LETTER



\*OC000000013060369\*

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/29/2004 MBLAND 00000002 10750185

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	385.00 OP
02 FC:2201	129.00 OP
03 FC:2202	54.00 OP
04 FC:2051	65.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$183 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$633 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$183
  - \$129 for 3 independent claims over 3.
  - \$54 for 6 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

Attorney Docket No.: MMI1100-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: DeNise et al.

Art Unit: 1645

Application No.: 10/750,185

Examiner: Not Yet Assigned

Filed: December 31, 2003

Title: COMPOSITIONS FOR INFERRING BOVINE TRAITS

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL SHEET**

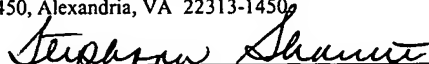
Sir:

In response to the Notice to File Missing Parts of Application mailed June 25, 2004, enclosed are:

1. A copy of the Notice to File Missing Parts of Application (4 pages);
2. Executed Declaration (4 pages);
3. Petition for Extension of Time (2 pages);
4. Verified Statement Under 37 C.F.R. § 1.821(e) (1 page);
5. Statement Under 37 C.F.R. § 1.821(e) and (g) (1 page);
6. Check No. 566809; in the amount of \$688.00;
7. Power of Attorney by Assignee (2 pages);
8. Amendment in Response to Notice to File Missing Parts (3 pages);
9. Compact Disk Transmittal Letter Under 37 C.F.R. 1.52(e) (1 page);
10. Return Receipt Postcard;

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on September 24, 2004, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Stephanie Sharrett

In addition, three compact discs (described below) are submitted herewith. The first and second compact disks each includes a file entitled "mmi1100-2 table 5.txt," created September 23, 2004, which is 2,818 kilobytes in size, and a file entitled "mmi1100-2 table 6.txt," created September 23, 2004, which is 25,028 kilobytes in size. The first and second compact disks contain identical information as required under 37 C.F.R. § 1.52(e)(4). The third compact disk includes a file entitled "MMI1100-2.txt," created September 23, 2004, which is 88,025 kilobytes in size.

11. A first compact disk (CD-R) labeled, in part, "TABLES ... COPY 1", and containing Tables 5 and 6 as required under 37 CFR § 1.52. Information relevant to the contents and formatting of the disk is as follows:

Disk labeled "TABLES"  
Machine format: IBM-PC  
Operating System Compatibility: MS-Windows  
File Names: mmi1100-2 table 5.txt and mmi1100-2 table 6.txt  
File Sizes: 2,818 KB and 25,028 KB  
Date Created: 09/23/2004  
File Type: Microsoft Text Document

12. A second compact disk (CD-R) labeled, in part, "TABLES ... COPY 2", and containing Tables 5 and 6 as required under 37 CFR § 1.52. This compact disk is a duplicate of the compact disk recited in part 7 (supra) and is submitted in accordance with 37 C.F.R. § 1.52(e)(4).

13. The third compact disk (CD-R) labeled, in part, "SEQUENCE LISTING" and containing a sequence listing as required under 37 CFR § 1.821. Information relevant to the contents and formatting of the disk is as follows:

Disk labeled "SEQUENCE LISTING"  
Machine format: IBM-PC  
Operating System Compatibility: MS-Windows  
File Name: MMI1100-2.txt  
File Size: 88,025 KB

In re Application of:  
DeNise et al.  
Application No.: 10/750,185  
Filing Date: December 31, 2003  
Page 3

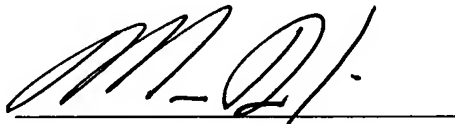
PATENT  
Atty. Docket No.: MMII100-2

Date Created: 09/22/2004  
File Type: Microsoft Text Document

Check No. 566809; is enclosed in the total amount of \$688.00 as payment for the declaration surcharge, basic filing fee and extra claims fee (\$633.00) and one month extension of time fee (\$55.00). No other fee is deemed necessary in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: September 24, 2004



Michael P. Reed, J.D., Ph.D.  
Registration No.: 45,647  
Telephone: (858) 638-6754  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
**USPTO Customer Number 28213**

## CD Submission Review Results

Application Number	10/750185	Receipt Date	12/31/03
--------------------	-----------	--------------	----------

<input checked="" type="checkbox"/> New Application		Response to Notice	Date of Response
---	--	--------------------	------------------

☐ Jumbo - Large tables are included on the CD

☐ There are no problems with the CDs in the submission.

Items checked below are to be selected in the PALM Pre-Exam CD problem list.

## Omitted Items

- ☐ Files on compact disc are unreadable:
- ☐ Disc(s) of either set not readable:
- ☐ Disc(s) do not contain file names listed:
- ☐ Amended CD missing unamended files:
- ☐ Missing compact discs:

## Missing Parts

- ☐ Disc(s) do not contain file names listed:
- ☒ Discs contains files that are non-ASCII files:
- ☐ Only one copy of the CD, no duplicate:
- ☐ Wrong media type, e.g., CD-RW:
- ☐ The transmittal letter and specification do not list information:
- ☐ Both disc(s) contain unreadable files:
- ☐ One disc(s) contain unreadable files:
- ☐ Compact disc(s) contain viruses, but are still readable:
- ☐ EFS/Paper Submission:
- ☐ Table does not maintain data in proper alignment:
- ☐ Not proper subject matter for CD's:

Informality - If no problem, do not send notice, leave letter for Examiner

- ☐ No statement in transmittal letter that CD's are the same:
- ☐ No incorporation by reference statement for the CD's:
- ☐ CD's not labeled "Copy 1" and "Copy 2":
- ☐ Deficient CD packaging:
- ☐ Deficient Labeling on CD's:
- ☐ The transmittal letter does not list information:
- ☐ The specification does not list information:
- ☐ Table less than 51 pages submitted on CD:

## File Directory Attachment

- ☒ Copy of file directory listing is attached and should be mailed to applicant
- ☐ Copy of file directory listing is not attached
- ☐ Copy of file directory listing is not attached because it is over one page long



Volume in drive E:\ is 031231\_1797  
Directory of E:\

mm11100-2 Table 1A.doc	11300 KB	12/31/03
mm11100-2 Table 1B.doc	11267 KB	12/31/03

2 file(s)

Total filesize 22566 KB

0 kilobytes free